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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,697	06/05/2002	Michael P. Ryan	AWDHI-PCTUS	4628

7590 07/11/2003
Albert W Davis Jr
6037 W Robin Lane
Glendale, AZ 85310

EXAMINER

KEENAN, JAMES W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,697

Applicant(s)

RYAN ET AL.

Examiner

James Keenan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2003 and 02 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's IDS was apparently not noticed by the previous examiner of this application. It has now been considered; however, all but one of the references were previously cited.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 9-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 9, 15, and 21, it is not clear whether "the body module" refers to a specific one of the body modules (and if so, which one) or each of the body modules.

In claims 10, 16, and 22, it is not clear to what "the refuse collection vehicle" refers; and "the refuse storage capacity" lacks antecedent basis.

In claims 12 and 18, "The" should be --the--.

In claims 14, 19, 24, and 25, --RCV-- should be inserted after "loader".

In claims 20 and ⁶~~26~~, --to-- should be inserted after "attached".

4. Claims 9, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler (US 4,096,959, previously cited) in view of Zanzig et al (US 6,183,185, previously cited) and Bonfilio et al (US 4,676,545).

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Schaffler shows a front loader RCV including detachable body module 54, hopper module 60, and tailgate module 94, but does not disclose a side loader RCV with such modules manufactured such that the body module would mate with the tailgate and hopper modules of either the side or front loader RCV.

Zanzig et al show a side loader RCV including hopper, body, and tailgate modules 57, 211, and 27, respectively, but also fails to disclose the intercompatibility of the body module.

Bonfilio et al disclose a modular vehicle system comprising a central safety capsule 16 (body module) to which a variety of front and rear vehicle sections can be selectively attached to form any number of vehicular configurations.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Schaffler by selectively utilizing a side loader module, as shown by Zanzig et al, to increase the versatility of the RCV, and to have made the body module selectively compatible with the hopper and tailgate modules of either the front or side loader RCV, as suggested by Bonfilio et al, as this would greatly improve the speed and ease of changing between vehicle configurations.

Re claim 10, to vary the length of the body modules is considered an obvious design expediency based on the specific requirements of each RCV.

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5. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Zanzig et al and Bonfilio et al, as applied to claim 9 above, and further in view of Dempster et al (3,202,305, previously cited).

The modified Schaffler apparatus does not show the loader to be mounted on module.

Dempster et al show in figure 2 a loader attached to a module.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified the apparatus of Schaffler by mounting the side or front loader on a module such as the hopper module, as suggested by Dempster et al, as this would simply be a well known and art recognized design expediency.

6. Claims 15, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Winter (US 4,986,716, previously cited) and Bonfilio et al.

Winter shows a rear loading modular RCV.

To have alternatively utilized a rear loading RCV as shown by Winter would have been obvious for the same reasons set forth above in paragraph 4.

7. Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Winter and Bonfilio et al, as applied to claim 15 above, and further in view of Dempster et al.

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To have mounted the loader in the manner suggested by Dempster et al would have been obvious for the same reason set forth in paragraph 5 above.

8. Claims 21-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zanzig et al in view of Winter and Bonfilio et al.

To have alternatively applied the concept of interchangeable modules to side and rear loading RCVs would have been obvious for the same reason set forth in paragraph 4 above.

9. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zanzig et al in view of Winter and Bonfilio et al, as applied to claim 21 above, and further in view of Dempster et al.

To have mounted the loader in the manner suggested by Dempster et al would have been obvious for the same reason set forth in paragraph 5 above.

10. Applicant's arguments with respect to claims 9-26 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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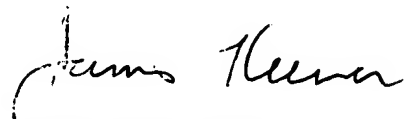
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is (703) 308-2559.

jwk

July 7, 2003


JAMES W. KEENAN
PRIMARY EXAMINER